

Proceeding: IN THE MATTERS OF AMENDMENT OF PARTS OF THE COMMISSION'S R ☒ Record 1 of 1  
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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
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FEDERAL COMMUNICATIONS COMMISSION  
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In the Matter of	)	
	)	
Biennial Review – Amendment of Parts	)	WT Docket No. 98-20
0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 95, 97	)	
and 101 of the Commission's Rules to	)	
Facilitate the Development and Use of the	)	
Universal Licensing System in the Wireless	)	
Telecommunications Services	)	

To: The Commission

**COMMENTS OF NEXTEL COMMUNICATIONS, INC.**

**I. INTRODUCTION**

Nextel Communications, Inc., ("Nextel") pursuant to Section 1.415 of the Rules of the Federal Communications Commission ("Commission") respectfully submits these Comments on the Commission's Notice of Proposed Rulemaking ("Notice") in the above-referenced proceeding.<sup>1</sup> In the Notice the Commission proposes to consolidate, revise, and streamline the rules governing the application procedures for radio services licensed by the Wireless Telecommunications Bureau ("Bureau" or "WTB") in order to facilitate the implementation of the Universal Licensing System ("ULS"), a new integrated licensing database for wireless services. The Commission seeks comment on the following issues:

- ◆ Replacing over 40 existing wireless application forms with five new forms;
- ◆ Consolidating service-specific procedural rules into a single set of rules in Part 1;
- ◆ Requiring applicants and licensees to file applications electronically using the ULS;
- ◆ Providing for use of ULS forms for routine requests in lieu of letter requests;
- ◆ Streamlining authorization and application processing;

<sup>1</sup> Notice of Proposed Rulemaking, FCC 98-25, Released March 18, 1998.

- ◆ Consolidating and revising the rules defining major and minor changes to pending authorizations and applications;
- ◆ Conforming application return and dismissal procedures;
- ◆ Standardizing the collection of ownership information;
- ◆ Requiring the submission of a Tax Identification Number (TIN); and
- ◆ Eliminating unnecessary or duplicative filing requirements.

As a provider of wireless wide-area Specialized Mobile Radio (“SMR”) Services throughout the United States, Nextel is the licensee of hundreds of Commercial Mobile Radio Service (“CMRS”) stations. Nextel also holds licenses for stations in other wireless services, including the Fixed Microwave Service and the Private Mobile Radio Service (“PMRS”). Further, Nextel has utilized the Commission’s existing limited electronic filing capabilities to file FCC Form 600 applications, as well as the new FCC Form 601 as a participant in auctions.

Nextel strongly supports the Commission’s initiative to consolidate and streamline the rules governing the wireless services licensed by WTB, and to rapidly implement the Universal Licensing System (ULS) employing state-of-the-art technology. Nextel welcomes this opportunity to comment on the specific issues raised by the Commission.

## **II. DISCUSSION**

Consolidation of Application Forms. The Commission proposes to consolidate 41 forms currently used in the WTB application and licensing process into five new forms developed specifically for ULS. Additionally, the Commission proposes to eliminate the separate long-form filing requirement for winning bidders after the completion of an auction.<sup>2</sup> Nextel fully supports the consolidation of over 40 forms into the proposed five forms specifically designed for ULS: FCC Forms 601, 602, 603, 604, and 605. The use of

these few carefully developed forms would eliminate existing inconsistencies in the information collected and avoid confusion for applicants preparing forms for wireless services. Nextel also supports the elimination of the separate long-form filing requirement. As a winning bidder in an auction where this requirement was waived, Nextel electronically filed a single FCC Form 601 for multiple geographic area licenses. This procedure greatly simplified the application process and significantly reduced unnecessary administrative burdens for both Nextel and the Commission.

**Mandatory Electronic Filing.** The Commission proposes to require that applicants, licensees, and frequency coordinators file electronically in the wireless radio services beginning January 1, 1999, and seeks comment on whether manual filing should continue as an option for certain services or applicants.<sup>3</sup> While Nextel intends to utilize the ULS electronic filing capabilities as soon as possible to reap the many benefits articulated by the Commission, Nextel recommends that the Commission permit manual filing for a transition period for all services and applicants, other than auction applicants. Such a major change in procedure and the introduction of state-of-the-art technology across the breadth of the wireless radio services would no doubt result in numerous challenges for both the wireless community and the Commission. Allowing the option of manual filing to continue for a transition period of not less than six months nor more than eighteen months, likely would provide for a smoother transition and avoid much of the stress and potential confusion associated with such a bold and broad initiative.

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<sup>2</sup> *Id.* at paras. 15-18.

<sup>3</sup> *Id.* at paras. 19-23.

Copy and Microfiche Requirements.<sup>4</sup> Nextel concurs with the proposal to eliminate the requirement to provide paper copies, diskettes, or microfiche for applicants filing electronically. Further, Nextel believes that no significant burden would be imposed on manual filers by a requirement to submit a diskette containing an electronic copy of the entire paper filing. Such a requirement would likely ease the administrative burden on the Commission as well as expedite the addition of such applications to the ULS during the recommended transition period.

Filing of Pleadings Associated with Applications. In conjunction with the implementation of ULS, the Commission proposes to allow electronic filing of pleadings associated with wireless service applications, and seeks comment on whether other WTB pleadings not associated with applications or docketed proceedings should be permitted to be filed electronically.<sup>5</sup> Nextel supports permitting electronic filing of pleadings associated with applications as well as other types of WTB pleadings, provided that the Commission continues to require service of paper copies on interested parties. Such an electronic filing option provides a rapid, economical procedure for filing pleadings while continuing to protect the rights of interested parties. Additionally, requiring parties submitting manually filed pleadings to include a diskette copy would allow manually filed pleadings, like electronically filed pleadings, to be readily available to the public without adding a significant burden on the filer.

Letter Requests Related to Applications.<sup>6</sup> Nextel agrees that the limited circumstances in which the rules allow the filing of a letter request in lieu of a form, may be

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<sup>4</sup> See Notice at paras. 24-25.

<sup>5</sup> *Id.* at paras. 26-27.

<sup>6</sup> See Notice at paras. 28-29.

eliminated. As the Commission points out, the forms are available in a wide variety of ways, and special situations are provided for under Section 308(a) of the Communications Act of 1934, as amended. Provided no filing fee is imposed, use of forms for such requests under the ULS should be less burdensome for the filer and should enable the Commission to improve its speed in processing such minor requests.

Standardization of Major and Minor Filing Rules.<sup>7</sup> Nextel believes that consolidating in Part 1 of the Commission's Rules the definition of major and minor changes to applications or licenses in the wireless services, would promote uniformity and alleviate confusion. Additionally, permitting licensees to make minor modifications without prior approval, requiring only notification within thirty days of implementing the minor changes, would allow licensees to respond rapidly to changing conditions and would avoid delays in situations where interference to other licensees is unlikely. As the Commission is aware, this approach has been successfully implemented in a number of wireless services, including the SMR service and Nextel has found it to be an efficient and effective process.

Submission of Ownership Information. The Commission proposes to streamline and consolidate the rules governing submissions of ownership information by wireless applicants and licensees, and to utilize the new Form 602 for the submission of all ownership information.<sup>8</sup> Consolidation of the varying service-specific ownership reporting requirements through the submission of a single Form 602 would reduce and simplify reporting requirements particularly for applicants and licensees that participate in more than one wireless service. Nextel supports this proposal and recommends that the new ULS

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<sup>7</sup> See Notice at paras. 34-41.

Form 602 be used to collect similar information from applicants and licensees in non-auctionable services. As the Commission notes, station licenses in private, non-auctionable services are often held by commercial enterprises which also may hold licenses in auctionable services. Further, in some cases, private licensees are eligible to utilize the same spectrum available to commercial licensees, to convert their private channels to commercial service under certain circumstances, and to provide service to other entities where excess capacity is available on the licensees' private systems. Spectrum management issues, as well as potential competitive concerns, clearly justify collection of ownership information similar to the consolidated requirements proposed for applicants and licensees of auctionable services.

Frequency Coordination of Amendment and Modification Applications. Nextel supports the proposal to amend Section 101.103 of the Fixed Microwave Service Rules to require frequency coordination only for amendments and modifications to technical parameters classified as major.<sup>9</sup> Minor changes would only require notification to the Commission and coordinator. This rule change would not only provide uniformity with frequency coordination requirements contained in Part 90, but should also eliminate unnecessary delays in the processing of applications for minor amendments and modifications in the microwave services.

Returns and Dismissals of Incomplete or Defective Applications. The procedures proposed for the return or dismissal of incomplete or defective applications under the ULS<sup>10</sup> are similar to the procedures currently used where electronic filing is now permitted. Nextel

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<sup>8</sup> *Id.* at paras. 42-48.

<sup>9</sup> *Id.* at paras. 49-50.

<sup>10</sup> *Id.* at paras. 51-54.

has utilized both the batch and interactive means of electronically filing wireless applications, and has found these procedures to be fair and efficient. Therefore, Nextel supports the proposed ULS procedures.

Discontinuation of “Reinstatement” Applications. Under the ULS the Commission proposes to send notices to the point of contact listed in the ULS database for wireless service licensees, 90 days before the expiration of their licenses. The 30-day period following license expiration currently available for licensees in the Private Land Mobile Services and Fixed Microwave Radio Services to request reinstatement would be eliminated.<sup>11</sup> Nextel does not object to the proposed 90-day notification procedure and the elimination of the “reinstatement” period. In view of the advance notification, the availability of electronic filing, and the opportunity to file a petition for reconsideration within 30 days of license cancellation in extenuating circumstances, there should be no negative effect on the ability to renew wireless service licensees.

Construction and Coverage Verification. The Commission proposes to establish uniform procedures for using ULS to notify all wireless licensees of upcoming construction or coverage deadlines, and seeks comment on how far in advance such notice should be sent.<sup>12</sup> Nextel recommends providing notification 90 days prior to the construction or coverage deadlines. The 90-day notice, consistent with the timeframe for renewal notification, should provide an adequate reminder of the upcoming deadline. Additionally, the Commission proposes to require licensees to verify such deadlines have been met by electronically updating FCC Form 601. As stated above, Nextel recommends adopting a

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<sup>11</sup> *Id.* at paras. 55-58.

<sup>12</sup> *Id.* at paras. 59-62.



six to eighteen month transition period allowing manual paper filing, before mandating the use of ULS electronic filing capabilities.

Assignment of Authorization and Transfer of Control. The Commission proposes to replace the multiple forms currently used by the wireless services for assignments and transfers, with the FCC Form 603 for assignments and FCC Form 604 for transfers of control. The Commission also proposes to require post-consummation notification for all wireless service assignments and transfers prior to changing the license database using procedures similar to those currently applicable to CMRS.<sup>13</sup> Nextel concurs that the consolidation of the multiple forms and uniform post-consummation procedures under the ULS would be less burdensome and more efficient than current variety of forms, and inconsistent procedures.

Change to North American Datum 83 (NAD83).<sup>14</sup> Because it will eliminate confusion and conform the Commission's database with the Federal Aviation Administration's database, Nextel supports the proposal to eliminate the use of NAD27 and use only NAD83 for ULS wireless site coordinate data. Nextel recommends that all existing wireless databases be converted to NAD83 prior to ULS implementation.

Use of Taxpayer Identification Number (TIN).<sup>15</sup> Nextel does not object to submitting a TIN as a prerequisite for using the ULS or to the Commission's use of the TIN as unique identifier for a party. However, Nextel supports the Commission's proposal to limit the access to TINs by the public and Commission employees.

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<sup>13</sup> *Id.* at paras. 63-68.

<sup>14</sup> See Notice at paras. 69-70.

<sup>15</sup> See Notice at Paras. 71-75.

Use of Notification or Certification in Lieu of Informational Filings.<sup>16</sup> Nextel concurs that replacing the various data and informational filings currently required with ULS electronically filed notifications and certifications, would be simpler and more efficient for the public and the Commission.

Fixed Microwave Service Data Requirements.<sup>17</sup> Nextel supports the proposed elimination of the requirement for fixed microwave applicants to file type acceptance number, line loss, channel capacity and baseband signal type. This information serves no useful purpose in the microwave licensing process and, therefore, is unnecessary.

#### **IV. CONCLUSION**

The Commission proposes to consolidate, streamline and standardize the rules, forms and procedures governing the wireless services application process. The proposed changes are designed to ease the implementation of a new integrated licensing database and provide for the electronic filing of application forms, requests and pleadings. This ambitious and innovative undertaking will undoubtedly provide many benefits for the public, the wireless industry and the Commission. Licensing information will be readily accessible and usable; electronic filing of applications and related information will be simpler and faster; and ultimately the costs associated with the Commission's application process will be reduced.

Accordingly, Nextel strongly supports the Commission's shift from a manual, paper choked system to state-of-the-art electronic technology to support its wireless regulatory functions. Nextel, however, urges the Commission to provide a transition period of six to eighteen months in which ULS forms could be filed both manually and electronically. Such

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<sup>16</sup> See Notice at paras. 80-81.

a major change in the Commission's regulatory process likely would cause some disruption, confusion and mistakes. A transition period, rather than a mandate to exclusively use electronic filing beginning January 1, 1999, will provide for a smoother, less stressful conversion from a paper to a paperless process for both the Commission and the wireless community.

Respectfully submitted,

NEXTEL COMMUNICATIONS, INC.

By: \_\_\_\_\_

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<sup>17</sup> See Notice at para. 84.